

AMENDED
COMMISSIONERS COURT MINUTES
110 S. Main St. 2nd Floor, Lockhart, Texas
Regular Meeting October 26, 2015 9:00 a.m.



KEN SCHAWÉ	County Judge	ALFREDO MUÑOZ	Commissioner Pct. 1
CAROL HOLCOMB	County Clerk	EDDIE MOSES	Commissioner Pct. 2
		NETO MADRIGAL	Commissioner Pct. 3
		JOE IVAN ROLAND	Commissioner Pct. 4

Call Meeting to Order. Meeting called to order by Judge Schawe at 9:02 a.m. All members of the Court were present.

2015.10.26.01 **Invocation.** Lockhart Ministerial Alliance.

2015.10.26.02 **Pledge of Allegiance to the Flags.**
Judge Schawe led all present in the Pledge of both flags.

2015.10.26.03 **Announcements.** Items or comments from Court Members or Staff.

Commissioner Muñoz spoke of the events this past weekend with the Greater San Marcos Partnership. He reminded others that the Education Foundation for Lockhart ISD is hosting their first Gala occurring this Thursday. He mentioned there is a wager between himself and the Mayor of San Marcos over the outcome of Friday's high school football game. **Commissioner Moses** attended a meeting for Ag Life and stated a great plan for this coming year. He also attended the Luling Foundation meeting and the Delhi Chili Cook Off which had a good turnout despite the rain. **Commissioner Madrigal** said the Maxwell Cleanup that was set for this past weekend is being rescheduled due to the weather. He also attended the Delhi Chili Cook Off and other political events. **Commissioner Roland** attended the same events including an event for the Historical Society at the Library in Lockhart. **Judge Schawe** introduced Karen Sphar, the County Judge's new executive assistant. He also is grateful for the rain received and reported a full house at the 4H meeting.

2015.10.26.04 **Citizens' Comments.** At this time any person may speak to Commissioners Court if they have filled out a Caldwell County Commissioners Court Participation Form. Comments will be limited to four (4) minutes per person. No action will be taken on these items and no discussion will be had between the speaker(s) and members of the Court. The Court does retain the right to correct factual inaccuracies made by the speakers. (If longer than 30 minutes, then the balance of comments will continue as the last agenda item of the day).

No citizen comments

2015.10.26.05 **Consent Agenda.** (The following consent items may be acted upon in one motion. Any member of the Court may request that an item within the Consent Agenda be pulled for separate discussion and/or action).

A. To pay Carl R. Ohlendorf Insurance in the amount of \$ 225.00 for Caldwell County Tax Assessor's/Deputies Bond and the amount of \$50.00 for Caldwell County Court Clerk.

B. To pay county invoices in the amount of \$183,384.21

Motion made by Commissioner Muñoz, second by Commissioner Roland to approve Consent Agenda items A-B. All Voting "Aye"

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2015.10.26.06 **Discussion/Action** to continue the burn ban for Caldwell County. **Cost: None. Speakers: Judge Schawe/Martin Ritchey. Backup: None.**

Martin Ritchey introduced Carine Chalfoun as the new assistant emergency management director. He also discussed the preparations the county has taken in the event of a potential flood. The county received an average of 8" of rainfall and some roads remain closed. He recommended removing the burn ban. Commissioner Madrigal reminded others to not leave fires unattended.

Motion made by Commissioner Roland, second by Commissioner Madrigal to take the burn ban off. All voting "Aye".

2015.10.26.07 **Discussion/Action** to approve Resolution No. 14-2015 resolving to approve the 2015 Farm to Market Appraisal Roll with amounts due totaling \$1,868.71 therefore creating the Farm to Market Tax Roll for 2015. **Cost: TBD. Speakers: Judge Schawe/Mary LaPoint. Backup: 1.**

Mary LaPoint with the Caldwell County Appraisal District explained to the court that this item is discussed annually and that she is available for questions.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Resolution No. 14-2015 resolving to approve the 2015 Farm to Market Appraisal Roll with amounts due totaling \$1,868.71 therefore creating the Farm to Market Tax Roll for 2015. All voting "Aye".

2015.10.26.08 **Discussion/Action** to approve Resolution No. 15-2015 resolving to approve the appraisal roll with amounts due totaling \$13,351,175.10 therefore creating the 2015 Tax Roll for Caldwell County. **Cost: TBD. Speakers: Judge Schawe/Mary LaPoint. Backup: 1**

Mary LaPoint explained this is the same action as the previous item but for the county levy. She stated the adopted tax rate has been applied to the value which developed the tax roll.

Motion made by Commissioner Muñoz, second by Commissioner Moses to approve Resolution No. 15-2015 resolving to approve the appraisal roll with amounts due totaling \$13,351,175.10 therefore creating the 2015 Tax Roll for Caldwell County. All voting "Aye".

2015.10.26.09 **Discussion/Action** to consider creating a permanent, paid part-time warrant deputy position for Constable, Precinct 1. **Cost: \$ 19.00 hour. Speaker: Commissioner Munoz. Backup: 1**

Commissioner Muñoz stated that deputy constables are no longer allowed to collect on warrants however the county still has many outstanding. He has been working with Constable Precinct 1, Victor "Smitty" Terrell to bring before the court an option to hire a paid part-time warrant deputy position. Constable Smitty explained the county has exceeded a population of 25,000 which no longer allows the Commissioners Court to assign reserved deputy constables to serve warrants and be paid an officer's fee. He suggested a previous officer who has done this type of work for the past 28 years for the position. Commissioner Muñoz stated this is not currently in the budget but that the revenue received from collecting on warrants will pay for this position. Constable Smitty said his department loses approximately \$9,000 per month in possible revenue from outstanding warrants. The position is for 8-10 hours per week and includes serving warrants inside or outside the county. Judge Schawe read statute's regarding the process of hiring for this type of position and stated this should have been

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discussed prior to approving the budget. Civil Attorney, Jordan Powell suggested the court be notified with a letter of this request and asked Constable Smitty to return to court with the name of the person he is requesting for the position.

Motion made by Commissioner Muñoz, second by Commissioner Moses to table this item until November 9th, 2015. All voting "Aye".

2015.10.26.10

Discussion/Action to award a contract for construction of the following three county roads: Old Fentress Road (CR217), Westwood Road (CR 215), and Cherryville Parkway (CR110) per the Invitation to Bid authorized by the Court on August 28, 2015, and the bids received by September 28, 2015. **Cost: TBD. Speakers: Judge Schawe/Michael Aulick. Backup: 1**

Transportation consultant, Michael Aulick and project manager, Andrea Ranft announced they have received a letter of protest from Aaron Concrete Contractors. They have been in contact with TXDOT about the issue and are awaiting a response. He requested the item be table until the issues are resolved.

Motion made by Commissioner Muñoz, second by Commissioner Madrigal to table this item until November 9th, 2015. All voting "Aye".

2015.10.26.11

Discussion/Action to authorize the County Judge to solicit bids for the construction of Schuelke Road (CR 222) upon receipt of TxDOT authorization, to be funded by SH 130 Concession Funds. **Cost: TBD. Speakers: Commissioner Madrigal/Michael Aulick. Backup: 1**

Michael Aulick explained the current schedule for this project which includes the announcement of bids in December and a contract in January. Andrea Ranft with Jones and Carter stated they have completed 90% of their plan.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to authorize the County Judge to solicit bids for the construction of Schuelke Road (CR 222) upon receipt of TxDOT authorization. All voting "Aye".

2015.10.26.12

Discussion/Action to identify potential projects in Caldwell County for STP MM funding for CAMPO Board Approval. **Cost: TBD. Speakers: Commissioner Munoz/Michael Aulick. Backup: 1**

Commissioner Muñoz stated this is federal funding and requested tabling this item until further clarification can be made on how these funds can be used. Michael Aulick announced Caldwell County has been awarded approximately \$900,000 from CAMPO to be used on major roads within the county. He concurs with Commissioner Muñoz to table this item until he can clarify concerns.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to table this item until November 9th, 2015. All voting "Aye".

2015.10.26.13

Discussion/Action authorizing the County Judge to execute a Development/Subdivision Agreement Providing for Regulation of Subdivision and Approval for Caldwell Valley, and execute a Memorandum of Understanding with Walton Texas, LP on behalf of all individual owners. **Cost: TBD. Speakers: Judge Schawe/Jordan Powell. Backup: 1**

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Tracey Bratton gave a follow up to the Walton presentation. He discussed the details of the development agreement and the memorandum of understanding stating he recommends approving both. Civil Attorney, Jordan Powell stated only grammatical changes were made to the documents and everything presented to the court still stands. She explained within these documents, all county standards will be met or exceed current standards. Commissioner Roland received clarification from Tracey Bratton about the reference to a County Administrator in the documents. Judge Schawe shared concerns about sewage, infrastructure, easements and the ability to split tracks. Commissioner Madrigal stated having issues in the county with private roads and requested specific regulations be produced to have them maintained. Walton Development employee, Harry Savio said the agreement has not been changed and the only changes made to the memorandum were primarily changes of partners and minor legal adjustments, nothing of major substance. Becky Collins, general manager for Walton Development and Management, clarified that the agreement before the court only contains the land that has been annexed in Uhland's ETJ. Once the land located in Lockhart's ETJ is approved by The City of Lockhart, a new agreement will be drawn up for approval by the court. She gave an example if it was decided upon to make the property a gated community; all roads within would be maintained by a sub-association of those owners and they would be aware of this prior to purchasing. She explained the objective is to have a high quality subdivision for future generations. She clarified mobile homes are restricted. A municipal utility district and a homeowner's association will be utilized as forms of protection to make sure over time the property maintains its integrity.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to authorize the County Judge to execute a Development/Subdivision Agreement Providing for Regulation of Subdivision and Approval for Caldwell Valley, and execute a Memorandum of Understanding with Walton Texas, LP on behalf of all individual owners. All voting "Aye".

2015.10.26.14

Discussion/Action to authorize a monthly stipend in the amount of \$500, for the 2015-2016 fiscal year beginning on October 1, 2015, payable to Nick Dornak, to serve as Environmental Programs Administrator for the Caldwell County Feral Hog Task Force and the TCEQ Grant for Implementation of Low Impact Development for the Caldwell County Justice Center. Grants or donations awarded to or solicited by Mr. Dornak on behalf of these two programs will be issued to Caldwell County and utilized by the County to (1) offset the cost of the stipend, and (2) support continued implementation of the two programs. **Cost: TBD. Speakers: Judge Schawe. Backup: None**

Judge Schawe explained this matter should have been included in a previous agenda and that there are funds available in the budget for this item.

Motion made by Commissioner Muñoz, second by Commissioner Moses to authorize a monthly stipend in the amount of \$500, for the 2015-2016 fiscal year beginning on October 1, 2015, payable to Nick Dornak, to serve as Environmental Programs Administrator for the Caldwell County Feral Hog Task Force and the TCEQ Grant for Implementation of Low Impact Development for the Caldwell County Justice Center. All voting "Aye".

2015.10.26.15

Discussion/Action authorizing the County Judge to transfer funds from one budget line item to another if funds are available for transfer, without first having to seek Commissioners Court approval. **Cost: None. Speakers: Judge Schawe. Backup: None**

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Judge Schawe explained this is for authorization to transfer line items not including salaries or items that would carry into the next fiscal year's budget.

Motion made by Commissioner Muñoz, second by Commissioner Moses authorizing the County Auditor to transfer funds from one budget line item to another if funds are available for transfer, without first having to seek Commissioners Court approval. Commissioner Muñoz, Commissioner Moses, Commissioner Madrigal voting "Aye", Commissioner Roland voting "No".

2015.10.26.16

Discussion/Action authorizing the County Judge to sell or dispose of County surplus property or salvage from County offices located at 201 E. San Antonio St. and at 110 E. Market St., Lockhart, TX either by (1) public auction; (2) competitive bid; (3) donating to a civic or charitable organization; or (4) selling or offering the property as a trade-in on new property of the same general type. **Cost: TBD. Speakers: Judge Schawe. Backup: None**

Civil Attorney, Jordan Powell added another option available to the court. If the court were to sell the property to another county entity or political subdivision within Caldwell County, the court does not have to place the property up for public auction or a competitive bid. Judge Schawe stated the Old Judicial Center building at 201 E. San Antonio St. is ready to go and the previous Tax Office building at 110E. Market St. will be ready in about 2 weeks.

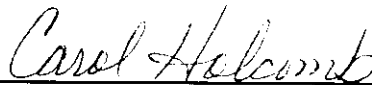
Motion made by Commissioner Madrigal, second by Commissioner Muñoz authorizing the County Judge to sell or dispose of County surplus property or salvage from County offices located at 201 E. San Antonio St. and at 110 E. Market St., Lockhart, TX. All voting "Aye".

2015.10.26.17

Adjournment. Motion made by Commissioner Muñoz, second by Commissioner Moses to adjourn. All voting "Aye".

Meeting Adjourned at 10:31 a.m.

I, CAROL HOLCOMB, COUNTY CLERK AND EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Caldwell County Commissioners' Court on October 26, 2015.



CAROL HOLCOMB, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
CALDWELL COUNTY, TEXAS

